



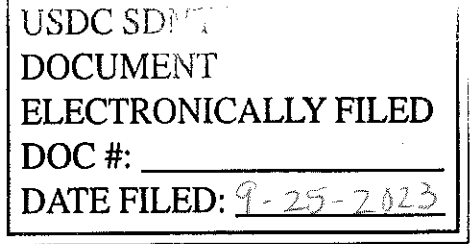
UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022

MEMO ENDORSED

September 22, 2023

Via ECF

Hon. Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312



Re: *SEC v. Muller*, 21-cv-6048 (LAK) (S.D.N.Y.)

Dear Judge Kaplan:

Plaintiff Securities and Exchange Commission (the "SEC") respectfully seeks leave to file under seal the enclosed letter to the Court ("Letter") pursuant to the Court's Individual ECF Filing Practices ¶ 2 and ECF Rules & Instructions, Section 6. The Letter concerns non-public information.

By letter dated October 22, 2021, the SEC requested that the Court enter a partial consent judgment as to Defendant Marlon Muller ("Muller") because the parties had reached a partial settlement to resolve the non-monetary relief that the SEC seeks in this case but leave open for later resolution by motion (or settlement) the monetary relief sought. (ECF No. 10.) The Court entered the judgment the same day. (ECF No. 11.) As indicated in the October 2021 letter, the SEC anticipated that the parties would try to negotiate a resolution of the monetary relief the SEC seeks in this action without the need to conduct formal discovery and requested that the Court not close this matter until the SEC seeks a final judgment resolving the outstanding issues of civil penalties and disgorgement.

The SEC previously provided status updates on August 29, 2022, February 7, 2023, and March 24, 2023, which the Court permitted to be filed under seal. (ECF Nos. 12-20.) The Letter provides a further status update concerning the outstanding claims for monetary relief. The SEC respectfully seeks leave to file the Letter under seal.

Respectfully submitted,

/s/ Paul G. Gizzi

Paul G. Gizzi
Senior Trial Counsel

Enclosure (under seal)

cc (via email): Steven R. Glaser, Esq.
Counsel for Defendant

Granted.

SO ORDERED.

/s/ Lewis A. Kaplan
Lewis A. Kaplan
United States District Court Judge

Dated: September 25, 2023